IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 20TH JUNE 2007 / 30TH JYAISHTA 1929

CRL.A.No. 467 of 2000()

CC.753/1998 of JUDL.MAGISTRATE OF FIRST CLASS, PERUMBAVOOR

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APPELLANT: COMPLAINANT

ABU ABDUL KHADER
S/O.ABDUL KHADER
MALIYAN HOUSE
RAYONPURAM P.O.
PERUMBAVOOR.

BY ADV. SRI.C.K.ABDUL RAHIM

RESPONDENTS: ACCUSED

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1. A.M.ABDUL RAHMAN
   ALINCHUVATTIL HOUSE
   PUTHENPADY P.O.
   MUVATTUPUZHA.

2. STATE OF KERALA
   REPRESENTED BY THE PUBLIC PROSECUTOR
   HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.DILIP.S.

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 20/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R.UDAYABHANU, J

Crl.A.No.467 of 2000

Dated this the 20th day of June, 2007

JUDGMENT

The appellant is the complainant who had initiated proceedings under Section 138 of the Negotiable Instruments Act. The accused stands acquitted as the complainant was absent.

2. It is submitted that the lapse was on account of the wrong noting of the posting date. In the circumstances, the order of the court below is set aside. The court below is directed to permit the appellant to further proceed with the matter and dispose of the case on merits. The court below shall issue fresh summons to the accused. The appellant shall appear before the court below on 25.7.2007.

The appeal is allowed.

K.R.UDAYABHANU,
JUDGE

csl